

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)

Request for Review of the)

Decision of the)

Universal Service Administrator by)

The Bridge Academy)

Bridgeport, Connecticut)

Federal-State Joint Board on)

Universal Service)

Changes to the Board of Directors of the)

National Exchange Carrier Association, Inc.)

File No. SLD-234787

CC Docket No. 96-45,

CC Docket No. 97-21

ORDER

Adopted: January 8, 2003

Released: January 9, 2003

By the Telecommunications Access Policy Division. Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by The Bridge Academy, Bridgeport, Connecticut, (Bridge Academy).¹ Petitioner requests review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).² For the reasons set forth below, we deny the Request for Review.

2. In its decision, SLD denied Bridge Academy's application for universal service discounts in Funding Year 2001 because Bridge Academy failed to postmark its FCC Form 470 signature certification before the close of the filing window pursuant to program rules.³ Petitioner argues that SLD should be reversed because Bridge Academy submitted the required

¹ Letter from Timothy Dutton, The Bridge Academy, Bridgeport, Connecticut, to Federal Communications Commission, filed September 13, 2002 (Request for Review).

² *Id.*

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Timothy Dutton, The Bridge Academy, dated July 29, 2002 (Administrator's Decision on Appeal); see also SLD website, FCC Form 470 Minimum Processing Standards for Funding Year 2001,

< <http://www.sl.universalservice.org/reference/470mps.asp> >.

certification within the timeframe required by program rules.' The record does not support this conclusion.⁵ Instead, consistent with our precedent in the *Weathersfield Order*, we conclude that SLD's decision is supported by precedent and the underlying record.'

3. Further, to the extent that Bridge Academy seeks to have its late filed FCC Form 470 signature certification which was submitted with its SLD appeal deemed timely filed, we deny this request.⁷ Such a decision would require a waiver of program rules. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁸ Petitioner has *not* submitted adequate proof that the facts relating to its application present special circumstances warranting a waiver of program rules.' Therefore, we affirm SLD and deny the Request for Review

¹ Request for Review at 2.

⁵ See, e.g., *In re Applications of Stephen E. Powell*, Memorandum Opinion and Order, 11 FCC Rcd 11925 (1996) (observing that "if the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered . . . procedural havoc and abuse would result.").

⁶ See Request for Review by *Weathersfield Local School, Federal-Yare Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-226039, 226107 (Wireline Comp. Bur. rel. September 25, 2002) (*Weathersfield Order*).

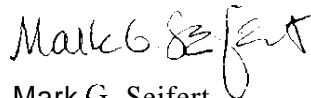
⁷ See Letter from Timothy Dutton, The Bridge Academy, to Universal Service Administrative Company, Schools and Libraries Division, filed December 17, 2001 (SLD Appeal).

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also *WAT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

⁹ See Request for Review by *Dermott Special School District, Hoven School District No. J3-2, Mastics-Moriches-Shirley Community Library, Mounds Public Schools, Reading-Muhlenberg Area Vocational-Technical School, Versailles Exempted Village Schools, Westbrook School Department, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-252777, SLD-261808, SLD-277850, SLD-265880, SLD-257325, SLD-270374, SLD-220712, CC Docket Nos. 96-45 and 97-21, Order, DA 02-643 (Com. Car. Bur. rel. March 19, 2001).

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by The Bridge Academy, Bridgeport, Connecticut on September 13, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert". The signature is written in a cursive, somewhat stylized font.

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau